

# **EXHIBIT A**



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July 30, 2017

Office of Information Programs and Services  
A/GIS/IPS/RL  
U. S. Department of State  
Washington, D. C. 20522-8100

Pursuant to FOIA, I hereby request a copy of the **index** to all birth and death records held by the State Department for the Panama Canal Zone. Birth and death records, also known as vital records or civil records, are often protected under privacy laws, whereas their index is not.

A vital records index is typically the document either contained at the end of a book of vital records, or in a separate volume, alphabetically listing all vital events which took place in a jurisdiction during a specified time period, usually organized by surname or in sequential order. The index typically contains only the names of the individual to whom the record pertains, the date of the document, and/or the certificate number. These indexes have often been digitized in a searchable database format, or as scanned images of a previously-made handwritten index.

According to the State Department's website, "In general, under the provisions of the FOIA and Privacy Act, access to information about private individuals cannot be given to unauthorized third parties absent the individuals' written consent. The Department of State **can and will** process requests without consent, but release of records will be severely limited to protect the privacy of the subject individuals." I am not requesting substantial personal information, and the information contained solely in the index is available under FOIA.

There is a precedent for the release of vital records indexes, as all states release some or all of their vital records indexes to the public. For example, many Consular Reports of Deaths Abroad, which were previously held under the custody of the State Department, have been transferred to the National Archives, and are available to the public, in person at NARA, and online via websites such as [ancestry.com](https://www.ancestry.com). Not only are the certificates available un-redacted, but they contain far more personal information than the indexes that I am requesting.

Regarding specifically the death indexes, the State Department's published FOIA rules state the following: "For deceased individuals, unless the death has been widely reported, please provide proof of death, e.g., a newspaper obituary or a copy of a death certificate, or advise us that none will be forthcoming....Please explain the type of material you seek and why you think that the Department of State would have records. Your request will be processed under provisions of the FOIA." By virtue of my request pertaining to death records, all decedents named in the index must necessarily be deceased.

I am not aware of any federal statute that prohibits the release of this information, as regulations typically prohibit the release of vital records themselves, and do not pertain to the index, which is all that I am requesting.

I request that this index be sent to me digitally, in a searchable database format, if such database exists. If you would prefer me to supply storage media to your office directly, such as flash drives or DVD's, please let me know. Otherwise, I look forward to hearing from you as to the estimates of costs. Please do not proceed until I have consented to all costs.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Sincerely yours,

Alec Ferretti



United States Department of State

Washington, D.C. 20520

AUG 23 2017

Dear Requester,

RE: Index to all birth and death records for the Panama Canal Zone

This is in response to your request dated 07/30/2017, which was received on 08/11/2017. We have assigned Case Control Number F-2017-14380 and will begin the processing of your request based upon the information provided in your communication.

The cut-off date is the date the search is initiated unless you have provided a specific timeframe.

Unusual circumstances (including the number and location of Department components involved in responding to your request, the volume of requested records, etc.) may arise that would require additional time to process your request.

We will notify you as soon as responsive material has been retrieved and reviewed.

Should you have any questions, you may call our FOIA Requester Service Center at (202) 261-8484 or send an email to FOIAstatus@state.gov. Please refer to the Case Control Number in any communication.

Sincerely,

Requester Communications Branch  
Office of Information Programs & Services

Office of Information Programs and Services  
U.S. Department of State, SA-2  
Washington, DC 20522-8100  
Website: [www.foia.state.gov](http://www.foia.state.gov)

Inquiries:  
Phone: 1-202-261-8484  
FAX: 1-202-261-8579  
E-mail: FOIAStatus@state.gov



**Fees:** The Freedom of Information Act (FOIA) provides that agencies may assess fees to recover the direct costs of processing requests, unless a fee waiver has been granted.

According to our regulations, by making a FOIA request, you have agreed to pay all applicable fees up to \$25 unless a fee waiver has been granted. You may specify a willingness to pay a greater amount. If the estimated fees exceed this limit, you will be notified. **Please do not send payment in advance. If there are fees incurred in the processing of your request, you will be notified of the amount owed in separate correspondence.**

\_\_\_\_ You have stated your willingness to pay the fees incurred in the processing of this request up to \$ \_\_\_\_.

☒ Please let us know if you are willing to pay the fees that will be incurred in the processing of your request. You may set a limit of the maximum amount that you wish to pay. Please be advised that, without an agreement to pay fees, your request will be processed without cost up to the required first 2 hours of search time (for all other requester category only) and duplication of the first 100 pages (for all other, media, educational and non-commercial scientific requester categories).

Based upon the information that you have provided, we have placed you in the requester category checked below. This request will be processed in accordance with the fee schedule designated for that category (see 22 C.F.R. 171).

\_\_\_\_ **Commercial Use Requesters** – Charges may be assessed that recover the full direct costs of searching for, reviewing for release, and duplicating the record(s) sought.

\_\_\_\_ **Educational Institution Requesters** – Charges may be assessed that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.

\_\_\_\_ **Non-commercial Scientific Institution Requesters** – Charges may be assessed that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.

\_\_\_\_ **Representatives of the News Media** – Charges may be assessed that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.

☒ **All Other Requesters** – Charges may be assessed that recover the full reasonable direct cost of searching for and duplicating the record(s) sought, after the first 100 pages of duplication, and the first two hours of search time.

\_\_\_\_ You have indicated your inclusion in a category different than the one indicated above. Please forward the information requested on the enclosed sheet titled "Requester Categories" to substantiate your inclusion in a particular category of requester.

We will notify you of the costs incurred in processing your request as soon as the search for, and review of, any responsive documents have been completed.

**Requests for Passport Records**

*/Birth & Death Abroad*

Please note that requests for passport records should be directed to the Bureau of Consular Affairs, Office of Passport Services, Law Enforcement Liaison Division (CA/PPT/S/L/LE), for processing. We recommend that you review the information required by the Office of Passport Services to access passport records on their website – [www.travel.state.gov](http://www.travel.state.gov). Their website contains all pertinent information needed to access records, including the services they provide for obtaining certified copies, etc.

Should you have any questions, please contact the Bureau of Consular Affairs directly. Their contact information is:

U.S. Department of State  
Law Enforcement Liaison Division  
CA/PPT/S/L/LE  
44132 Mercure Circle  
P.O. Box 1227  
Sterling, VA 20166-1227  
Telephone: (202) 485-6550

<https://travel.state.gov/content/passports/en/passports/services/obtain-copies-of-passport-records.html>